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Date: September 16, 2005

File Number: 5308-291
Serial No.: 10/758,871

Telecopier No.: 571-273-8300

To: Mail Stop Amendment
Examiner: Geyer, Scott B.
Group Art Unit: 2812

Company: United States Patent and Trademark Office

From: Elizabeth A. Stanek

Number of Pages: 13
(including cover)

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SEP 16 2005

Attorney's Docket No. 5308-291

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Sheppard et al.

Confirmation No.: 6572

Serial No.: 10/758,871

Group Art Unit: 2812

Filed: January 16, 2004

Examiner: Geyer, Scott B.

For: **NITRIDE BASED TRANSISTORS WITH A PROTECTIVE LAYER
AND A LOW-DAMAGE RECESS AND METHODS OF
FABRICATION THEREOF**

Date: September 16, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO THIRD RESTRICTION
REQUIREMENT**

Sir:

Applicants provide the present Amendment to address the issue raised in the Office Action mailed August 16, 2005.

It is not believed that an extension of time and/or additional fee(s), including fees for additional claims, are required, beyond those that may otherwise be provided for in documents accompanying this paper. In the event, however, that an extension of time is necessary to allow consideration of this paper, such an extension is hereby petitioned under 37 C.F.R. §1.136(a). Any additional fees believed to be due in connection with this paper may be charged to our Deposit Account No. 50-0220.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.